

BASIC ORDERING AGREEMENT BETWEEN
eBay Inc.
and
Westinghouse Savannah River Company (WSRC)

BASIC ORDERING AGREEMENT NUMBER EBA-1002

This Basic Ordering Agreement (BOA) between eBay Inc. (hereinafter "Seller") and Westinghouse Savannah River Company (WSRC) (hereinafter "Buyer") on behalf of the Department of Energy (DOE) is entered into to provide Online Trading Services to the DOE and its Contractors and designated affiliates in accordance with the following:

1. This Agreement includes the services outlined in the Scope of Work (Attachment A).
2. This Agreement is for the Department of Energy and those contractors and designated affiliates (Attachment B).
3. The listing and selling fees are in accordance with the eBay User Agreement selling fees, accessible at <http://pages.eBay.com/help/sellerguide/selling-fees.html>
4. The ICPT General Terms and Conditions (5/01) as amended, and eBay User Agreement Terms, as amended, are made a part herein. (Attachment C).

The parties agree that the DOE (including DOE field offices) or any entity having a prime contract with the DOE awarded pursuant to Federal Acquisition Regulation (FAR) Subpart 17.6 and Department of Energy Acquisition Regulation (DEAR) Subpart 917.60 (collectively hereinafter called "Contractor"), may place orders under this BOA and receive the appropriate prices.

WHEREAS, the Buyer desires to avail itself of the services of the Seller in connection with work under the Principle Contract,

NOW, THEREFORE, the parties hereto agree that the Seller shall furnish all labor, material, facilities, equipment, personnel, services, and all other necessary and incidental related items to the Buyer, all as more fully described in this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this document as of the day and year of the Buyer's Procurement Representative's signature.

ICPT National Agreement for Online Trading Services <u>Barbara J. Tuthill</u> Name (Type/Print) _____ Signature <u>Subcontract Administrator, WSRC</u> Title _____ Date	<u>eBay Inc.</u> _____ Name (Type/Print) _____ Signature _____ Title _____ Date
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ARTICLE 1 – SCOPE OF WORK

All orders placed hereunder shall reference the number of this BOA **EBA-1002** and the site specific order number as required. The Online Trading Services shall be provided in accordance with the Scope of Work (Attachment A).

ARTICLE 2 – PERIOD OF PERFORMANCE

The term of this BOA shall be from May 1, 2002 through April 30, 2003, with the option to renew for four (4) additional one-year periods.

ARTICLE 3 – PAYMENT TERMS

Payment terms indicated in the eBay User Agreement shall apply to each order placed under this BOA. Each Contractor shall place its own orders under this Agreement, shall set up different User accounts, and shall pay according to the eBay User Agreement.

ARTICLE 4 – LISTING AND SELLING FEES

All listing and selling fees for the first year shall be paid in accordance with the fees listed on the eBay web site. If both parties desire to exercise option years, pricing will be negotiated at the time of exercising each individual option period.

ARTICLE 5 – TERMS AND CONDITIONS

The Basic Ordering Agreement General Terms And Conditions for Commercial Items DOE Contractors, Site Specific Instructions - ICPT, Revision 05/01, as amended, and the eBay User Agreement, as amended, are incorporated into this BOA.

The Seller acknowledges that each Site may have requirements unique to its post, mission, and/or geographic location. Therefore, the Seller agrees that the Site Specific Procurement Representative placing an order under this BOA may request to incorporate its own Site-Specific Terms & Conditions relative to Environmental Safety and Health considerations as well as FAR, DEAR, or other applicable regulations and laws, which eBay may accept or reject in their sole discretion.

ARTICLE 6 – SITE PROCUREMENT REPRESENTATIVE

Each Site will designate a Site Procurement Representative who shall be responsible for administering the terms and conditions of the site-specific implementing subcontract.

ARTICLE 7 – SUBCONTRACTOR'S AUTHORIZED REPRESENTATIVE (SAR)

eBay shall designate a point of contact that shall be authorized to resolve issues arising under this Agreement. The individual noted for support is as follows:

Mr. Keith Bass	President, Government Operations
Phone:	1-323-934-8283
Fax:	1-323-933-1191
E-mail:	kbass@ebay.com

ARTICLE 8 – ATTACHMENTS

The following attachments are incorporated into and made part of the Basic Ordering Agreement:

Attachment A	Scope of Work
Attachment B	DOE Sites, Contractors or Designated Affiliates
Attachment C	Terms and Conditions

ARTICLE 9 – ORDER OF PRECEDENCE

An inconsistency in this Agreement shall be resolved by giving precedence in the following order:

1. eBay User Agreement
2. Site Implementing Subcontract
3. Scope of Work
4. Terms and Conditions

ARTICLE 10 – ENTIRETY

This document and the attachments specifically referred to herein embody the entire Basic Ordering Agreement (BOA) and understanding between the Buyer and the Seller covering the services to be performed hereunder. There are no agreements, understandings, conditions, warranties, or representations, oral or written, express or implied with reference to the subject matter hereof which are not merged herein.

Attachment A

SCOPE OF WORK
ONLINE TRADING SERVICE PROVIDER

OBJECTIVE:

The objective of this requirement is to find Online Trading service providers who will provide Internet Auction services for the Department of Energy (DOE) and its Contractors and designated affiliates over the term of this contract.

BACKGROUND:

The intent of this effort is to provide a means of advertising the sale of surplus material which has been determined to no longer be needed for the mission of the various DOE sites.

SPECIFICATIONS:

The Online Trading service providers must perform the following minimum services.

- Provide an on-line 24-7 Online Trading Site on which surplus items may be listed for purchase (Including space for item information, selling requirements, payment methods and shipping terms).
- Conduct an on-line Internet sale of surplus items listed.
- Provide up to date bidding information on surplus items listed.
- Provide successful bidder contact and purchase information.
- Provide customer service for item listings and non-responsive successful bidders.

Attachment B

DOE SITES, CONTRACTORS OR DESIGNATED AFFILIATES

Attachment C

TERMS AND CONDITIONS